

Patent
Docket No: AUS920000920US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Name et al. Rabindranath Dutta

Serial No.: 09/740,527

Filed: December 18, 2000

For: SYSTEM AND METHOD FOR MAINTAINING STATE INFORMATION ON A
CLIENT

Group Art Unit: 2143

Confirmation No. 8506

Examiner: Mitra Kianersi

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being submitted via Express Mail Label No. EV 619984308 to: Mail Stop Appeal Briefs-Patent, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

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Date

Mary Schnaiter
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BRIEF ON APPEAL

Mail Stop Appeal Briefs-Patent
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

This is an appeal from the Office Action mailed on September 24, 2004 finally rejecting claims 1-15.

This Brief is being filed in triplicate. The fee for filing this Brief on Appeal is \$500.00, and the Commissioner is hereby authorized to deduct that amount from IBM Corporation, Deposit Account No. 09-0447.

If that amount is insufficient, or should any additional fees under 37 C.F.R. § 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from IBM Corporation, Deposit Account No. 09-0447.

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REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corp. (IBM) of Armonk,
New York

RELATED APPEALS AND INTERFERENCES

There are at present no appeals or interferences on any applications related to the present application.

STATUS OF CLAIMS

Claims 1-15 are currently pending and have been finally rejected.

STATUS OF AMENDMENTS

There have not been any amendments to the claims.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a system and method for maintaining server state information on a client. When a client (see **124, FIG. 1A**) requests a file (see **360, FIG. 3**) from a server (see **122, FIG. 1A**), the requested file plus a second a file, or “cookie,” which is unmodifiable by the client, is transmitted (see **504, FIG. 5**) from the server **122** to the client **124**. The cookie includes state information corresponding to the client and the server. Subsequent requests from the client to the server include the cookie (see **106, FIG. 1**). Because the client **124** is unable to modify the cookie, the server **122** is, without further verification, able to trust that the cookie stores accurate state information corresponding to the server **122**.

ISSUES ON APPEAL

1. Does the prior art reference, which shows a modifiable, persistent stat object, or “cookie,” employed to facilitate client access to a server anticipate under 35 U.S.C. § 102(e) the Applicant’s claimed subject matter, which employs an unmodifiable cookie to preserve information concerning the state of the server for the benefit of the server?

ARGUMENTS OF APPELLANTS

1. Do the persistent state objects, or “cookies,” of Shi anticipate the Applicant’s unmodifiable cookies?

With respect to independent claims 1, 7, 8, 13 and 14, unlike Applicant’s claimed subject matter, the cited art (Shi et al; U.S. Pat. No. 5,875,296; herein after referred to as “Shi”) is directed at maintaining a secure connection between a client and a server by providing the client with a cookie that is transmitted in conjunction with file requests. Shi neither teaches nor suggests a cookie that is “unmodifiable.” In fact, Shi replaces a first cookie with a second cookie, an action which is most certainly a modification. In fact, there is nothing in Shi that suggests that the client is unable to modify the cookie. In order to enable the “unmodifiable” nature of Applicant’s cookie, Applicant’s Specification includes many examples of techniques that can be employed to guarantee this aspect of the claims. For example, the Applicant suggests the following:

Unmodifiable cookies may be created by altering an existing cookie such that it is unmodifiable by a user. One example may include encrypting the cookie file where the encryption code is know only by the browser program. For security reasons, the encryption code would not be revealed to the user.

(col. 3, ¶32). Applicant’s cookie may also not be removed by the user:

[W]hen the client desires the removal of an unmodifiable cookie, the server that issued the cookie is capable of removing or disabling the cookie on the client’s hard drive.

(col. 3, ¶34). In short, unlike the current application, Shi neither teaches nor suggests an unmodifiable cookie containing state information.

Nothing prevents Shi’s client from modifying the cookie stored on the client. In fact, Shi’s cookie is stored for the benefit of the client, specifically so that client validation is not necessary each time the client accesses files on the server. In contrast, Applicant’s claimed subject matter is based upon a cookie that is unable to be modified by the client to the benefit of the server, i.e. so that the server is able to be confident that state information stored in the cookie is exactly as the server originally transmitted to the client. In short, Shi’s cookies are

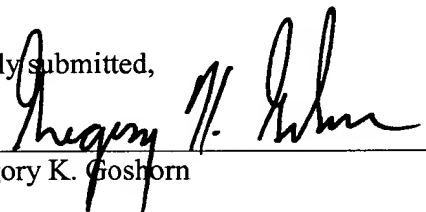
both modifiable and are employed to benefit the client; Applicant's cookies are unmodifiable and are employed to benefit the server. Thus, Shi does not provide the functionality of the claimed subject matter and describes a different type of system designed for different purposes and to a different party's benefit.

In order to reject a claimed invention under §102(e), the cited reference must teach every aspect of the claimed invention either explicitly or impliedly. (M.P.E.P. §706.02). In addition, "**All words in a claim must be considered** in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*).

As the cited art neither teaches every aspect of the claimed invention nor considers each word in the independent claims, e.g. the word "unmodifiable," Applicants respectfully submit that the Examiner has incorrectly held that Shi anticipates the claimed subject matter. It is thus respectfully requested that the rejection be withdrawn and that the present application be remanded to the Examiner for further action on the merits.

Applicants submit that the current grounds of rejection are in error and that the pending claims are in condition for allowance. An early indication thereof is respectfully solicited. Please charge any fee deficiency due with this Appeal Brief, or credit any overpayment, to Deposit Account No. 09-0447.

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Respectfully submitted,
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APPENDIX A
(Currently Pending Claims)

1. (Original) A method of maintaining state information on a client, the method comprising:

transmitting an unmodifiable cookie which specifies state information from a server to the client; and

storing the unmodifiable cookie on the client.

2. (Original) The method of claim 1 wherein the unmodifiable cookie is transmitted from the client to the server when the client makes predefined requests to the server and wherein the unmodifiable cookie is transmitted with the file.

3. (Original) The method of claim 1 wherein a copy of the unmodifiable cookie is stored in a public cookie file and the unmodifiable cookie is stored in a private cookie file in a location separate from the public cookie file on the client.

4. (Original) The method of claim 3 further comprising in response to a request from the client for a document requiring an unmodifiable cookie, checking the public cookie file for a matching unmodifiable cookie.

5. (Original) The method of claim 4 where no matching unmodifiable cookie is present in the public cookie file, checking the private cookie file for a matching unmodifiable cookie.

6. (Original) The method of claim 5 further comprising updating the public cookie file to reflect the unmodifiable cookies found in the private cookie file.

7. (Original) A system for maintaining state information on a client, comprising:

a processor;

a memory coupled to the processor;

a computer readable medium coupled to the processor, the computer readable medium containing executable program instructions for:

transmitting an unmodifiable cookie which specifies state information from a server to the client; and

storing the unmodifiable cookie on the client.

8. (Original) A computer readable medium on a client containing executable program instructions for performing a method comprising:

transmitting an unmodifiable cookie which specifies state information from a server to the client; and

storing the unmodifiable cookie on the client.

9. (Original) The computer readable medium of claim 8 wherein a copy of the unmodifiable cookie is stored in a public cookie file and the unmodifiable cookie is stored in a private cookie file in a location separate from the public cookie file on the client.

10. (Original) The computer readable medium of claim 9 further comprising in response to a request from the client for a document requiring an unmodifiable cookie,

instructions for checking the public cookie file for a matching unmodifiable cookie.

11. (Original) The computer readable medium of claim 10 where no matching unmodifiable cookie is present in the public cookie file, further comprising instructions checking the private cookie file for a matching unmodifiable cookie.

12. (Original) The computer readable medium of claim 11 further comprising instructions for updating the public cookie file to reflect the unmodifiable cookies found in the private cookie file.

13. (Original) A computer readable medium on a server containing executable program instructions for performing a method comprising:

transmitting an unmodifiable cookie which specifies state information from a server to the client; and

storing the unmodifiable cookie on the client.

14. (Original) A computer system, the computer system comprising:

a processor;

a memory coupled to the processor;

a computer readable medium coupled to the processor, the computer readable medium containing executable program instructions for:

transmitting an unmodifiable cookie which specifies state information from a server to the client; and

storing the unmodifiable cookie on the client.

15. (Original) The computer system of claim 14 wherein the unmodifiable cookie is transmitted from the client to a server when the client makes predefined requests to the server.

APPENDIX B
(U.S. 5,875,296 (Shi et al.))